

Shannon Navigation Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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SCHEDULES.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

IN

Make provision with respect to the maintenance of certain
 Piers and other works in the estuary of the River
 Shannon. A.D. 1885.

WHEREAS the care and conservancy of the navigation of the
 River Shannon and certain rivers flowing into the River
 Shannon, and of the works from time to time executed for the
 improvement of such navigation, together with all powers, autho-
 5 rities, and privileges, rights, titles, and interests under the Shannon
 Acts of 1839 and 1846, and the Shannon Act, 1874, in relation to
 such navigation and works, are vested in the Commissioners of
 Public Works in Ireland: 2 & 3 Viet.
c. 61.
9 & 10 Viet.
c. 86.
57 & 58 Vict.
c. 60.

And whereas a part of the duties of such care and conservancy
 10 consists in the maintenance of certain piers and other works in the
 estuary of the River Shannon below the city of Limerick (which
 said piers and works are mentioned in the First Schedule to this
 Act, and are in this Act referred to as "the said piers"):

And whereas it is expedient that the duty of maintaining the
 15 said piers should be distributed among such authorities and in such
 manner as are in this Act mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty,
 by and with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 20 by the authority of the same, as follows:

1. This Act may be cited as the Shannon Act, 1885; and the
 Shannon Acts of 1839 and 1846, and the Shannon Act, 1874, and
 this Act may be together cited as the Shannon Acts, 1839 to
 1885. Short titles

25 2. (1.) The Commissioners of Public Works in Ireland (herein-after
 referred to as "the Commissioners of Works") shall have power
 from time to time upon such conditions as, with the consent of the
Power to
Public
Works Com-
missioners

[Bill 171.]

A 2

A.D. 1885. Treasury, they may think fit, and subject to the provisions of this Act,

to transfer
maintenance
of piers on
estuary of
Shannon.

(a.) By order to commit the maintenance of any one or more of the said piers to any trustees, not less than five in number, willing to undertake the same upon the terms herein-after 5 mentioned; and

(b.) By order to direct that any one or more of the said piers shall become the public property of the county, or of the urban or rural sanitary district within the meaning of the Public Health (Ireland) Act, 1878, in which such pier or piers is or are situate, and that the maintenance of such pier or piers shall be committed to the grand jury of the said county, or to the sanitary authority of the said urban or rural sanitary district, or to any properly constituted harbour authority within the meaning of this Act, as the case may be; provided the said 10 county, sanitary, or harbour authority consent to accept the same upon the terms herein-after mentioned. 15

41 & 42 Vict.
c. 62.

(2.) From the date of any such order as aforesaid taking effect in manner herein-after mentioned, or any later date specified in that behalf in such order, and subject to the terms of the order and the provisions of this Act, all property of every description, and all powers, rights, and duties of the Commissioners of Works in relation to any one or more of the said piers, whereof the maintenance is committed by such order to the local authority or trustees therein in that behalf mentioned, (which said local authority or trustees is or are in this Act referred to as a " pier authority,") shall cease to be vested in, and to be exercised and performed by, and to attach to the Commissioners of Works, and shall devolve upon such pier authority. 20 25

Considerations previous to order affecting piers.

3. Before making an order under this Act affecting any one or more of the said piers, the Commissioners of Works shall take into consideration the interests of the district or districts benefited by such pier or piers, and of the classes and persons making use thereof, and shall reasonably satisfy themselves that the duties to be committed to any pier authority by such order will be effectively discharged by them, with a due regard for all such interests as aforesaid. 30 35

Regulations as to making and validity of orders.

4. With respect to the making of an order by the Commissioners of Works under this Act and the validity thereof, the following regulations shall have effect; that is to say,

(1.) The Commissioners of Works shall prepare a draft order, and shall specify therein—

(a.) The pier or piers, whereof the maintenance is proposed to be committed by such order to a local authority or trustees, 40

A.D. 1885.

and the local authority or trustees to whom it is proposed to commit such maintenance, and the mode of supplying from time to time any vacancy caused by the death or incapacity or refusal to act of any such trustee; and

(b.) All property of every description, and all powers, rights, duties, interests, and liabilities proposed to be vested in and conferred and imposed on such local authority or trustees; and

(c.) Any other matters which the Commissioners of Works, with the consent of the Treasury, may think fit to insert in such order :

(2.) The Commissioners of Works shall cause the said draft order to be published in such manner as they think best adapted for the purpose of making it known to all persons interested, and shall hear and consider any objections to such draft order which may be made to them in writing within such time, being not less than thirty days from the date of the first publication thereof, as they may by notice published as aforesaid specify :

(3.) Having considered all such objections as aforesaid, the Commissioners of Works shall send the order as finally settled by them to the Treasury, and the Treasury, if they approve thereof (whether with or without modifications), shall cause the same, with such modifications (if any) as they think fit, as soon as possible to be laid upon the table of both Houses of Parliament :

(4.) The order shall be of no validity until it has lain for forty days on the table of both Houses of Parliament; and if during the said forty days either House of Parliament passes a resolution against such order the same shall be void, but if during the said period of forty days no such resolution is passed, the order shall at the expiration of the said period be valid and take effect :

(5.) The passing of a resolution by either House of Parliament against such order shall not prejudice the making of any subsequent order in pursuance of this Act in relation to the same subject-matter or any part thereof.

5. (1.) A pier authority shall be bound to maintain and keep in sufficient order and repair the pier or piers so committed to them, and shall have power, subject to the provisions of this Act and of the order committing to them the maintenance of any one or more of the said piers, from time to time to purchase or take on lease or otherwise acquire any lands required by them for the purpose of such maintenance.

(2.) With a view to the purchase of lands by a pier authority, the Lands Clauses Acts shall, so far as they are applicable, be incor.

Power to pier authority to purchase land.

A.D. 1883.

ported with this Act, with the exception of the provisions of those Acts which relate to the purchase and taking of lands otherwise than by agreement; and, in construing the said Lands Clauses Acts for the purposes of this Act, this Act and the order committing to such authority such maintenance as aforesaid shall together constitute the "special Act," and the pier authority shall be the "promoters of the undertaking."

Power to
levy tolls
for use of
piers.

6. A pier authority shall have power to levy tolls in respect of the several matters mentioned in the Second Schedule to this Act, at such rates, not exceeding the rates mentioned in the said schedule to the order, as they from time to time determine; provided that such tolls shall not at any time without the consent of the Treasury be charged in respect of any one of the said piers at higher rates than the rates at which they were charged at the time when the maintenance of such pier was committed to a pier authority in pursuance of this Act.

Application
of tolls, &c.

7. All tolls levied by a pier authority to whom the maintenance of any of the said piers has been committed in pursuance of this Act, and all moneys otherwise accruing to such authority in pursuance of this Act, shall be held by such authority on trust to dispose thereof in defraying the expenses of and attending such maintenance, and in repayment of any loan or loans raised by such authority in pursuance of this Act, with the interest thereon; and any surplus from time to time arising shall be applied in reduction of such of the rates fixed in respect of the said tolls as such authority may from time to time think it expedient to reduce; and any surplus from time to time remaining after such reduction of rates as aforesaid shall, in the case of a pier authority being a local authority, be the property of the county or sanitary district (as the case may be), and, in the case of a pier authority being a trustee or trustees, be disposed of in such manner as Parliament may direct.

Power to
local authority
to levy
special rates.

8. Where a pier authority are a local authority within the meaning of this Act, and the moneys at any time available for payment of the expenses incurred by such authority in the maintenance of any of the said piers, or for payment of any sums due in respect of a loan raised by such authority in pursuance of this Act, are insufficient for payment of such expenses or sums, then—

(1.) if such pier authority are the grand jury of a county, such grand jury may present any amount so from time to time required to supply the deficiency, such amount to be raised off the county at large, or off any one or more of the baronies or half baronies in the county; and such amount on being presented shall be apportioned, raised, and levied accordingly; provided that a presentment made in pursuance of this section

shall be subject to the like proceedings at presentment sessions, and otherwise, as other grand jury presentments; and

A.D. 1887.

- (2.) if such pier authority are an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878, such authority may make a special rate for the purpose of supplying the deficiency; and such authority, if an urban authority, shall have all such powers for making and levying such special rate, and all provisions shall be applicable in respect thereof, as in the case of any rate authorised to be made by such urban authority for the general purposes of the Public Health (Ireland) Act, 1878; and if such authority are a rural authority, the amount required for supplying the said deficiency shall be deemed to be special expenses within the meaning of the Public Health (Ireland) Act, 1878, and sections two hundred and thirty-two and two hundred and thirty-three of that Act shall apply accordingly.

Provided that an applotment or applotments or a rate or rates made by any local authority for the purposes of this Act shall not in any year exceed sixpence in the pound.

9. (1.) Subject to the provisions of an order committing the maintenance of any of the said piers to a pier authority, such pier authority may from time to time, with the sanction of the Commissioners of Works, borrow at interest any sum required for any works which such authority are authorised to execute in pursuance of such order, and for that purpose may mortgage the tolls leviable by them under this Act and also (in case such authority are a local authority) any rate which they are by this Act authorised to make, and the mortgagees of any such mortgage may enforce the payment of any arrears of principal and interest due thereon by the appointment of a receiver.

Power to pier authority to borrow.

- (2.) For the purpose of any such loan the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall, so far as such provisions are applicable and are not inconsistent with this Act or the said order, be incorporated with this Act; and in the construction of the said provisions for the purposes of such incorporation the "special Act" shall be deemed to be this Act and the said order, and the "Commissioners" shall be the pier authority, and the "clerk to the Commissioners" shall be the pier authority or any person appointed by the pier authority, and the word "rates" shall include any tolls leviable under this Act.

10 & 11 Viet c. 16.

(3.) A pier authority being a grand jury may also (subject to the limit herein-before imposed on the amount of any applotments to

A.D. 1883.

be made in any year for the purposes of this Act) present any sum, to be raised off the county at large or off any one or more of the baronies or half baronies in the county, for the purpose of obtaining a loan in pursuance of this Act, and the enactments for the time being in force with respect to the presenting of monies by grand juries for the purpose of obtaining loans for public works, and with respect to the making and repayment of such loans, shall be applicable to any such presentment, and to the making of any loan on the security thereof, and to the repayment of any such loan.

Power to
Commiss-
sioners to
lend to
pier author-
ity.

10. The Commissioners of Works may, with the consent of the Treasury make any loan to a pier authority acting in pursuance of any powers of borrowing conferred by this Act, on the security of any tolls leviable under this Act, and (if they think it expedient) of any presentment or rate which such authority (if a local authority) is authorised by this Act to make, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may in the judgment of the Treasury be necessary in order to enable the loan to be made without loss to the Exchequer:

Provided that in determining the time when a loan under this section shall be repayable, the Commissioners of Works shall have regard to the probable duration and continuing utility of the works in respect of which the same is required.

Incorporation of certain provisions of 10 & 11 Vict. c. 27.

11. In the application of this Act in the case of any pier authority there shall be incorporated with this Act the following provisions and sections of the Harbours, Docks, and Piers Clauses Act, 1847, so far as those provisions and sections are applicable to and not inconsistent with or modified by this Act or the order committing the maintenance of any one or more of the said piers to such authority as aforesaid; that is to say,

- (1.) Section twenty-eight, relating to the exemption of certain vessels, persons, and things, from the liability to be charged with rates and to be regulated and controlled under the said Act or the special Act; and
- (2.) The provisions with respect to the collection and recovery of rates, excepting sections thirty-five and thirty-six; and
- (3.) Sections seventy-four, seventy-five, and seventy-six, relating to the liability for any damage done, and the recovery of the amount of such damage; and
- (4.) The provisions with respect to the byelaws to be made by the undertakers; and
- (5.) The provisions with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices:

and in the construction of the said provisions and sections for the purpose of such incorporation, the "special Act" shall be deemed to be this Act and the said order; and the "harbour, dock, or pier" shall be the pier or piers whereof the maintenance is committed by the said order to such pier authority as aforesaid; and the "undertakers" shall be the said pier authority; and the word "rate" shall include any such toll as is mentioned in this Act.

A.D. 1884.

12. A pier authority shall not show any undue preference to any person in relation to the use of any of the said piers whereof the maintenance has been committed to such authority, but every person shall be entitled to the use thereof on the same terms on which any other person would be so entitled under similar circumstances.

Prohibition of undue preference in use of piers.

13. Accounts of the receipts and expenditure of a pier authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board. Such accounts shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board appoint for the purpose; and such auditor shall have the like powers and be subject to the like obligations, and any person aggrieved by the decision of such auditor shall have the like rights and remedies, as are provided in the case of an audit under section two hundred and forty-eight of the Public Health (Ireland) Act, 1878; and a pier authority shall for the purposes of this section be deemed to be a public body within the meaning of section six of the Local Government Board (Ireland) Act, 1872.

Accounts and audit.

41 & 42 Vict. c. 42.

35 & 36 Vict. c. 85.

14. Every pier authority shall make an annual report, in such form and at such time as the Local Government Board may from time to time direct, of all works executed and of all sums received and expended by them in pursuance of this Act during the preceding year, and shall send a copy thereof to the Local Government Board, and shall publish such report or an abstract thereof in some local newspaper circulating in the district.

Report to Local Government Board.

15.—(1.) If at any time it appears to the Lord Lieutenant that any one or more of the said piers is or are not maintained in a proper state of repair by any pier authority to whom the maintenance thereof has been committed in pursuance of this Act, the Lord Lieutenant may, if he thinks fit, signify the same to the Treasury, and the Treasury may thereupon, if they think fit, authorise the Commissioners of Works to execute any works which they may consider necessary for the purpose of putting such pier or piers as aforesaid in a proper state of repair, and to advance out of any moneys for the time being in their hands for the purpose of loans any sum or

Maintenance of piers in case of default by pier authority.

A.D. 1885. — sums necessary for such works; and for the purpose of executing such works the Commissioners of Works shall be invested with all the powers of the pier authority.

(2.) Any sum or sums so advanced by the Commissioners of Works, together with interest thereon at the rate of three and a half per centum per annum, or such other rate as may in the judgment of the Treasury be necessary in order to enable such advance to be made without loss to the Exchequer, shall be repaid by the pier authority out of any moneys in their hands for the purpose of the maintenance of such pier or piers as aforesaid, and shall be a charge upon all tolls levied by such authority until the whole amount due in respect of the advance has been repaid; and such charge shall have priority over all other sums payable by such authority in respect of such maintenance, except any sums payable in respect of expenses incurred previous to the date of the said advance by the Commissioners of Works; and for the recovery of the said advance and the interest thereon, the Commissioners of Works shall have the like rights and remedies as if the sum or sums advanced had been borrowed by the pier authority in pursuance of this Act on the security of a mortgage of the said tolls.

Saving of
certain
rights.

16. Nothing in this Act shall extend to abridge or prejudicially affect any right, power, jurisdiction, or privilege of the Commissioners of Irish Lights.

Definitions.

17. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

"Lord Lieutenant" includes the Lords Justices or any other chief governor or governors of Ireland for the time being;

"Treasury" means the Commissioners of Her Majesty's Treasury;

"Local Government Board" means the Local Government Board for Ireland;

"Local authority" means the grand jury of a county or any urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878;

"County" means a county at large, also a county of a city, a county of a town and city, and a city or town and county;

"Grand jury" includes the town council of any borough to whom the powers of a grand jury with respect to the presentment of public money have been transferred;

"Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, so far as respects Ireland.

41 & 42 Vict.
c. 62.

5 & 6 Vict.
c. 18.

SCHEDULES.

A.D. 1855.

THE FIRST SCHEDULE.

- Clare Castle Pier, County Clare.
 Kilrush Pier, County Clare.
 5 Kildysart Pier (Cahiran), County Clare.
 Querin Pier, County Clare,
 Kilterry Pier, County Limerick.
 Foynes Harbour, County Limerick.
 Saloon (Ballylongford) Pier, County Kerry.

10 THE SECOND SCHEDULE.

I.—QUATAGE.

		Rates for entering Pier.	
		1. For first week.	2. For any time after first week.
15	ON CRAFT TRADING IN THE RIVER SHANNON.		
	Open boats, turf boats, and decked vessels under 20 tons burden.	3d. per diem.	3d. per diem.
	Decked vessels of 20 tons and under 50 tons register, or 50 tons burden when not registered.	1s. "	6d. "
20	Vessels of 50 tons register or burden and under 100 tons register.	2s. "	1s. "
	Vessels of 100 tons register and upwards	3s. "	1s. 6d. "
25	ON VESSELS ARRIVING FROM OR DEPARTING TO ANY PORT IN THE UNITED KINGDOM, OUTSIDE THE SHANNON.	3d. per ton register for a period of 14 days.	1d. per ton for every subsequent week or part of a week.
30	ON VESSELS ARRIVING FROM OR DEPARTING TO ANY FOREIGN OR COLONIAL PORT.	5d. per ton register for a period of 14 days.	Ditto.
	Vessels arriving for the purpose of shelter to pay only the rates per diem or per ton as per column No. 2.		

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1982		1983		1984		1985		1986		1987		1988		1989		1990		1991		1992		1993		1994		1995		1996		1997		1998		1999		2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020		2021		2022		2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033		2034		2035		2036		2037		2038		2039		2040		2041		2042		2043		2044		2045		2046		2047		2048		2049		2050		2051		2052		2053		2054		2055		2056		2057		2058		2059		2060		2061		2062		2063		2064		2065		2066		2067		2068		2069		2070		2071		2072		2073		2074		2075		2076		2077		2078		2079		2080		2081		2082		2083		2084		2085		2086		2087		2088		2089		2090		2091		2092		2093		2094		2095		2096		2097		2098		2099		2100	
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Shannon, S. 1994.

FILE

[AN ANSWER AT THE REQUEST
OF THE COURT]

To make provision with respect to the maintenance of various Tiers and other works in the vicinity of the River Shannon.

Prepared and accepted on 15
Feb. 1968 and 20. Revised 22 February

Ordered by The House of Commons, to be Printed
R. BELL, 1843.

1111

[illegible][illegible]

Figure 1. The effect of the concentration of the solution on the adsorption of the dye. The concentration of the solution was 0.01, 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, 1.0, 1.5, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, 10.0, 15.0, 20.0, 30.0, 40.0, 50.0, 60.0, 70.0, 80.0, 90.0, 100.0, 150.0, 200.0, 300.0, 400.0, 500.0, 600.0, 700.0, 800.0, 900.0, 1000.0, 1500.0, 2000.0, 3000.0, 4000.0, 5000.0, 6000.0, 7000.0, 8000.0, 9000.0, 10000.0, 15000.0, 20000.0, 30000.0, 40000.0, 50000.0, 60000.0, 70000.0, 80000.0, 90000.0, 100000.0, 150000.0, 200000.0, 300000.0, 400000.0, 500000.0, 600000.0, 700000.0, 800000.0, 900000.0, 1000000.0, 1500000.0, 2000000.0, 3000000.0, 4000000.0, 5000000.0, 6000000.0, 7000000.0, 8000000.0, 9000000.0, 10000000.0, 15000000.0, 20000000.0, 30000000.0, 40000000.0, 50000000.0, 60000000.0, 70000000.0, 80000000.0, 90000000.0, 100000000.0, 150000000.0, 200000000.0, 300000000.0, 400000000.0, 500000000.0, 600000000.0, 700000000.0, 800000000.0, 900000000.0, 1000000000.0, 1500000000.0, 2000000000.0, 3000000000.0, 4000000000.0, 5000000000.0, 6000000000.0, 7000000000.0, 8000000000.0, 9000000000.0, 10000000000.0, 15000000000.0, 20000000000.0, 30000000000.0, 40000000000.0, 50000000000.0, 60000000000.0, 70000000000.0, 80000000000.0, 90000000000.0, 100000000000.0, 150000000000.0, 200000000000.0, 300000000000.0, 400000000000.0, 500000000000.0, 600000000000.0, 700000000000.0, 800000000000.0, 900000000000.0, 1000000000000.0, 1500000000000.0, 2000000000000.0, 3000000000000.0, 4000000000000.0, 5000000000000.0, 6000000000000.0, 7000000000000.0, 8000000000000.0, 9000000000000.0, 10000000000000.0, 15000000000000.0, 20000000000000.0, 30000000000000.0, 40000000000000.0, 50000000000000.0, 60000000000000.0, 70000000000000.0, 80000000000000.0, 90000000000000.0, 100000000000000.0, 150000000000000.0, 200000000000000.0, 300000000000000.0, 400000000000000.0, 500000000000000.0, 600000000000000.0, 700000000000000.0, 800000000000000.0, 900000000000000.0, 1000000000000000.0, 1500000000000000.0, 2000000000000000.0, 3000000000000000.0, 4000000000000000.0, 5000000000000000.0, 6000000000000000.0, 7000000000000000.0, 8000000000000000.0, 9000000000000000.0, 10000000000000000.0, 15000000000000000.0, 20000000000000000.0, 30000000000000000.0, 40000000000000000.0, 50000000000000000.0, 60000000000000000.0, 70000000000000000.0, 80000000000000000.0, 90000000000000000.0, 100000000000000000.0, 150000000000000000.0, 200000000000000000.0, 300000000000000000.0, 400000000000000000.0, 500000000000000000.0, 600000000000000000.0, 700000000000000000.0, 800000000000000000.0, 900000000000000000.0, 1000000000000000000.0, 1500000000000000000.0, 2000000000000000000.0, 3000000000000000000.0, 4000000000000000000.0, 5000000000000000000.0, 6000000000000000000.0, 7000000000000000000.0, 8000000000000000000.0, 9000000000000000000.0, 10000000000000000000.0, 15000000000000000000.0, 20000000000000000000.0, 30000000000000000000.0, 40000000000000000000.0, 50000000000000000000.0, 60000000000000000000.0, 70000000000000000000.0, 80000000000000000000.0, 90000000000000000000.0, 100000000000000000000.0, 150000000000000000000.0, 200000000000000000000.0, 300000000000000000000.0, 400000000000000000000.0, 500000000000000000000.0, 600000000000000000000.0, 700000000000000000000.0, 800000000000000000000.0, 900000000000000000000.0, 1000000000000000000000.0, 1500000000000000000000.0, 2000000000000000000000.0, 3000000000000000000000.0, 4000000000000000000000.0, 5000000000000000000000.0, 6000000000000000000000.0, 7000000000000000000000.0, 8000000000000000000000.0, 9000000000000000000000.0, 10000000000000000000000.0, 15000000000000000000000.0, 20000000000000000000000.0, 30000000000000000000000.0, 40000000000000000000000.0, 50000000000000000000000.0, 60000000000000000000000.0, 70000000000000000000000.0, 80000000000000000000000.0, 90000000000000000000000.0, 100000000000000000000000.0, 150000000000000000000000.0, 200000000000000000000000.0, 300000000000000000000000.0, 400000000000000000000000.0, 500000000000000000000000.0, 600000000000000000000000.0, 700000000000000000000000.0, 800000000000000000000000.0, 900000000000000000000000.0, 10000000